UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,457	10/19/2000	William Hsiao-Yu Ku	AUS9-2000-0370-US1	7542

35525	7590	04/06/2004

DUKE W. YEE
CARSTENS, YEE & CAHOON, L.L.P.
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER
VO, LILIAN

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/690,457	KU ET AL.
	Examiner	Art Unit	
	Lilian Vo	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2000*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *3*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 32 are pending.

Claim Objections

2.   **Claim 8** is objected to because of a punctuation in line 3, page 13. The Examiner

believes there is a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 4, 5, 8, 9, 13, 14, 20, 21, 24, 27, 29 and 30 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

5.   **Claims 4, 13 and 20** recite the limitation "the installation" in pages 12, 14 and 15, line 2,

respectively. There is insufficient antecedent basis for this limitation in the claim.

6.   **Claims 5, 14 and 21** recite the limitations "the modification" and "the contents" in pages

12, 14 and 16, line 2, respectively. There is insufficient antecedent basis for this limitation in the

claim.

7.   **Claim 8** recites the limitations "the deletion" and "the plurality of environment variables"

in page 13, lines 5, 7, 8, 11 and 13 - 14. There is insufficient antecedent basis for this limitation

in the claim.

8.   **Claim 9** recites the limitation "the correct" in page 13, line 8. There is insufficient

antecedent basis for this limitation in the claim.

9.   **Claims 24, 27 and 30** recite the limitations "the following" and "the occurring" in pages

16 - 18, lines 4 and 11, and page 19, lines 5 – 6 and 12. There is insufficient antecedent basis for

this limitation in the claim.

10.   **Claim 29** recites the limitation "the following" in page 18, line 7. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

12.   Claims 1, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Snow

(US 6,640,317).

The applied reference has a common assignee with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

13.   Regarding **claims 1, 10 and 17**, Snow teaches a method for correcting a path sequence of

an environment variable in a data processing system, the method comprising:

monitoring the data processing system for a change effecting the environment variable

(abstract, col. 2, lines 48 - 64); and

responsive to detection of the change effecting the environment variable, altering the

environment variable to ensure that a proper file is found and used when selected by one of a

user and a running application program (abstract, col. 9, lines 4 – 46, 54 - col. 10, line 50, fig.

4A, 5 and 7).

14.   Claims 1, 10, 17, 24, 27 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated

by Spyker et al. (US 6,571,389, hereinafter Spyker).

The applied reference has a common assignee with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

15.   Regarding **claims 1, 10 and 17**, Spyker teaches a method for correcting a path sequence

of an environment variable in a data processing system, the method comprising:

monitoring the data processing system for a change effecting the environment variable

(abstract, fig. 8); and

responsive to detection of the change effecting the environment variable, altering the

environment variable to ensure that a proper file is found and used when selected by one of a

user and a running application program (abstract, col. 15, lines 27 – 63, fig. 8).

16.   Regarding **claims 24, 27 and 30**, Spyker teaches a method for managing environment

variable in a data processing system, comprising:

automatically invoking an environment variable manager whenever at least one of the

following events occur a) a directory is deleted; b) a product is installed on the data processing

system; and d) a path sequence of a given environment variable is manually modified by a user

(abstract, col. 15, lines 27 – 63, fig. 8);

determining, by the environment variable manager, if the occurring event causes a

modification to an affected path sequence of any environment variable (abstract, col. 15, lines 27

– 63, fig. 8); and

enabling at least one of a) a correction to the affected path sequence and b) a display to

the user of an interface for informing the user about a need for a correction of the affected path

sequence (abstract, col. 15, lines 27 – 63, fig. 8).

17.   Claims 8, 26, 29 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brundridge (US 6,279,109).

18.   Regarding **claims 8, 26, 29 and 32**, Brundridge teaches a method for modifying at least

one of a plurality of environmental variables to ensure a more efficient operation of a data

processing system (abstract), the method comprising:

detecting the deletion of a directory from the data processing system (col. 6, lines 19 –

33, 46 – col. 7, line 7, col. 8, lines 36 – 56, col. 9, lines 5 – 45. fig. 2);

determining whether any of the plurality of environment variables contain a reference to

the directory (col. 6, lines 19 – 33, 46 – col. 7, line 7, fig. 2); and

responsive to a determination that at least one of the plurality of environment variables

contains a reference to the directory, removing the reference tot eh directory in effected ones of

the plurality of environment variables (col. 6, lines 19 – 33, 46 – col. 7, line 7, col. 9, lines 5 –

45. fig. 2).

19.   Claims 9, 24, 25, 27, 28, 30 and 31 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hove et al. (US 6,564,369, hereinafter Hove).

20.   Regarding **claim 9**, Hove teaches a method for correcting modifications to an

environment variable in a data processing system, the method comprising:

detecting that an environment variable has been modified (abstract, figs. 5, 6);

responsive to a determination that duplicate files exist in a path sequence of the

environment variable, prompting a user to select the correct one of the duplicate files (abstract,

col. 7, lines 1 – 39, col. 11, lines 35 - 46); and

removing all incorrect ones of the duplicate files from the path sequence of the

environment variable (abstract, col. 7, lines 1 – 39, col. 11, lines 35 - 46).

21.   **Claims 24, 25, 27, 28, 30 and 31** are rejected on the same ground as stated above.

22.   Claims 1, 2, 5, 10, 11, 14, 17, 18, 21, 24, 27 and 30 are rejected under 35 U.S.C. 102(b)

as being anticipated by Janniro et al. (US 5,634,098, hereinafter Janniro).

23.   Regarding **claims 1, 10 and 17**, Janniro teaches a method for correcting a path sequence

of an environment variable in a data processing system, the method comprising:

monitoring the data processing system for a change effecting the environment variable

(abstract, col. 2, lines 12 – 28, figs. 2, 4 and 7); and

responsive to detection of the change effecting the environment variable, altering the

environment variable to ensure that a proper file is found and used when selected by one of a

user and a running application program (abstract, col. 2, lines 12 – 28, col. 3, lines 1 – 42, col. 5,

line 58 – col. 6, line 22, col. 9, line 1 – 66, col. 11, lines 4 – 19, figs. 2, 4 and 7).

24.   Regarding **claim 2**, Janniro teaches the method as recited in claim 1, wherein the change

is a change effecting the path sequence of the environment variable (col. 1, lines 44 – 52, col. 2,

lines 20 – 28, col. 3, lines 1 – 30, col. 9, lines 39 – 66).

25.   Regarding **claim 5**, Janniro teaches the method as recited in claim 1, wherein the change

is modification of the contents of the environment variable (abstract, col. 5, line 58 – col. 6, line

22, col. 10, lines 51 – 59, col. 11, lines 4 – 19, col. 12, lines 29 - 49).

26.   **Claims 11, 14, 18, 21, 24, 27 and 30** are rejected on the same ground as stated above.

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

28.   Claim 3, 4, 6, 7, 12, 13, 15, 16, 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Janniro et al. (US 5,634,098, hereinafter Janniro) as applied to claim 1

above, in view of Hove et al. (US 6,564,369, hereinafter Hove).

29.   Regarding **claim 3**, Janniro did not teach the change is a deletion of a directory.

Nevertheless, this limitation is taught by Hove, in which a conflict checking system detects a

folder conflict when the same entry exists in more than one folder location (abstract, col. 5, line

60 – col. 6, line 40, col. 7, lines 1 – 39, col. 8, lines 49 – 61: table 2, col. 10, lines 19 – 27, col.

11, lines 35 – 40, fig. 6).

It would have been obvious for one of an ordinary skill in the art, at the time the

invention was made to combine the teachings of Janniro and Hove to avoid problem with

preventing unnecessary duplication of files and/or folders during software installation or upgrade

(Hove: abstract, col. 2, lines 4 – 6).

30.   Regarding **claim 4**, Janniro did not teach the change is an installation of software

application. Nevertheless, this limitation is taught by Hove, in which a conflict checking system

detects conflicts within data processing system during a software installation (abstract, col. 2,

lines 1 –6, 41 – 54).

It would have been obvious for one of an ordinary skill in the art, at the time the

invention was made to combine the teachings of Janniro and Hove to avoid problem with

preventing unnecessary duplication of files and/or folders during software installation or upgrade (Hove: abstract, col. 2, lines 4 – 6).

31. Regarding **claims 6 and 7**, Janniro did not teach the additional limitations as claimed. Nevertheless, this limitation is taught by Hove, in which a conflict checking system detects duplicate files and allows the user to move or remove the duplicate files to prevent future problems (abstract, col. 2, lines 1 –6, 41 – 54, col. 7, lines 1 – 39, figs. 5 and 6).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to combine the teachings of Janniro and Hove to avoid problem with preventing unnecessary duplication of files and/or folders during software installation or upgrade (Hove: abstract, col. 2, lines 4 – 6).

32. **Claims 12, 13, 15, 16, 19, 20, 22 and 23** are rejected on the same ground as stated above.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lister et al. (US 5,966,540), disclosed the installation of an application to a computer system with commands such as editing registry files, creating program groups and folders, updating configuration files and adding environment variables. Curtis (US 6,629,316 and US 6,631,521), disclosed that operating environment can be changed when installing and/or uninstalling programs to the system. Lawrence (US 6,629,113), disclosed that operating

environment variable could be dynamically adjustable or modified during execution of the

garbage collector.

34.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The

examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo
Examiner
Art Unit 2127

lv
March 29, 2004

/MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100